

Amendments to the Drawings

Figure 1 has been amended to show “detection means” recited in claim 15 as previously omitted element 19. The attached Replacement Sheet of drawings includes this change to Fig. 1. This Replacement Sheet, which includes Fig. 1-2, replaces the original sheet including Fig. 1 – 2.

REMARKS

Status of the Claims

Claims 1 – 23 are pending. No claims have been withdrawn from consideration.

Applicant thanks the Examiner for indicating claims 6 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112.

Claim Amendments

The amendments to the claims put the claims in better form.

Claim 6 is amended as supported at page 12, lines 6-12.

Claim 15 is amended as disclosed at page 12, lines 1-5.

Claim 20 is amended as supported at page 14, lines 1-6.

New claim 22 is supported by claim 3.

Claim 23 is supported by claims 2 and 3.

Claims 24 and 25 are supported by Figs. 1-5 showing movement of the first and second magnetic means.

Amendments to the Specification

The specification has been amended to reflect the changes made to Figure 1. The amendment finds support in original claim 15.

Amendments to the Drawings

Figure 1 has been amended to show “detection means” recited in claim 15 as previously omitted element 19. The attached Replacement Sheet of drawings includes this change to Fig. 1. This Replacement Sheet, which includes Fig. 1-2, replaces the original sheet including Fig. 1 – 2. The amendment finds support in original claim 15.

Election/Restriction

Applicant thanks the Examiner for withdrawing the restriction requirement.

Objections to the Drawings

The objection to the drawings under 37 CFR §1.83(a) should be withdrawn.

The amendment to Fig. 1 shows the detection means 19 recited in claim 15.

Claim 16 recites the housing seatings to be reciprocally and selectively movable with respect to said first magnetic means to allow the sequential pick-up of bars even of different sizes. Fig. 1 already shows movable housing seatings by showing the seatings 30 under which there is an arrow. The arrow indicates the lateral movement of the seatings to position one of them in correspondence with the magnetic means, depending on the sizes of the bars to be picked up (see for example the description, from page 8, line 32 – page 9, line 10). Thus, the features of claim 16 are shown in Fig. 1 since the arrow shows the seatings 30 are laterally movable.

Thus, it is submitted this objection is overcome.

Claim Rejections

I. The Office action rejects claims 1 – 21 under 35 U.S.C. §112, second paragraph.

This rejection is overcome in view of the amendments to the claims and should be withdrawn.

II. The Office action rejects claims 1 – 3, 11 – 19, and 21, citing 35 U.S.C. §103(a) US 2003/10202873 to Miglioranza (hereinafter, “Miglioranza”), US 4,648,770 to Berz et al. (hereinafter, “Berz”), and US 5,345,806 to Sartorio et al. (hereinafter, “Sartorio”).

Miglioranza discloses a first (and single) magnetic means 8 to pick-up from a

bundle a given number of bars (figs. 13 and 14). These bars are then released one by one on an Archimede screw 17 to be separated from each other and then discharged in an operating position.

Miglioranza was known by the Applicant at the filing date of the present application and is mentioned and discussed, with the relative disadvantages and shortcomings, on page 2, from line 11 to line 30 of the specification.

The present invention solves the cited problems by providing first and second magnetic means with differing directions of movement, for example, a second magnetic means, having a direction of movement substantially perpendicular to the lowering and lifting direction of movement of the first magnetic means, to pick up one bar at a time from the first magnetic means and move the picked-up bar towards a discharge and operating position.

Claims 2, 3 and 22-25 emphasize directions of movement of the first and second magnetic means.

Miglioranza relates to the downward discharge of the bars inside the grooves of an Archimede screw. The present invention, however, relates to the precise picking-up of the bar, one at a time, with a second magnetic means from the first magnetic means.

Miglioranza could not have been modified by the introduction of a second magnetic means, since the Archimede screw 17 disclosed in Miglioranza is not an element that picks up one bar at a time from the first magnetic means, and translates it towards an operating position, by releasing it when and where is necessary. To the contrary, the Archimede screw 17 is just a positioning element comprising a plurality of pre-defined and not modifiable seatings wherein the bars are discharged and moved from the position wherein they are released from the first magnetic means to the position wherein they are discharged from the Archimede screw.

Berz is directed to a method for stacking profile elements in nested groups. For example, column 4, lines 62 – 67 of Berz explains a transfer cart 11 has arms 11a that can mesh through the magnets 7, 25 and 26 and move between a lower position immediately underneath the pickup station defined by the stops 4 and 5 to an illustrated upper position lying above the transfer station formed by the upturned surface of magnet in Fig. 1.

The Office action's interpretation of Berz (on page 6) is not completely correct,

since Berz does not disclose transferring bars from a first magnetic means 11a to a second magnetic means 25 which picks up said bars from first magnetic means 11a. According to Berz element 11a picks up the bars from the element 25. Moreover, applicants respectfully submit the Office action errs by stating arms 11a is the first magnetic means, since the description of Berz does not include any indication that the arms 11a of the transfer cart 11 have magnetic properties. In fact, arms 11a pick up the metal elements with a movement from below to above the plane 25, and not with a movement perpendicular to the plane where the bars lie when they are magnetically held by the first magnetic means.

In Berz, the arms 11a move the metal elements from one magnet to another, but they do not seem to have magnetic properties, so in Berz there is not a magnetic element that picks up the bars from another magnetic element, but only one non-magnetic element that moves the bars (all together and not one by one) from one magnetic element to another.

Moreover, Miglioranza and Berz cannot be combined together, since at the time the present invention was made a person having ordinary skill in the art would have found it illogical to substitute the Archimede screw in Miglioranza with the arms 11a of Berz, which do not have any magnetic properties and have only the function to lift an undetermined number of elements from a plane and discharge the elements all together on another plane.

The reference to Figure 4 of Sartorio on page 7 of the Office action is not clear. The Office action may have intended to refer to Figure 3. At any rate, Sartorio discloses a manipulator comprising gripping elements (numbered, *inter alia*, 50) and a chute 60. No magnetic elements are mentioned. Moreover, at the time the present invention was made a person having ordinary skill in the art had no way to combine the Archimede screw of Miglioranza, or the lifting arms of Berz, to the gripping elements and chute of Sartorio to arrive to the solution disclosed and claimed in the present application.

For at least these reasons, applicants respectfully request reconsideration and withdrawal of the rejection.

III. Claims 4 – 5 and 7 – 8, citing 35 U.S.C. §103(a), Miglioranza, Berz, Sartorio, and

US 5,387,072 to Gepfert et al. (hereinafter, “Gepfert”).

Gepfert is cited only with respect to features of dependent claims 4 – 5 and 7 – 8 and does not compensate for the shortcomings of the combination of Miglioranza, Berz, and Sartorio. The rejection should, therefore, be withdrawn for the same reasons discussed with respect to rejection I.

IV. The Office action rejects claims 10 and 20, citing 35 U.S.C. §103(a), Miglioranza Berz, Sartorio, and US 4,732,066 to Del Fabro et al. (hereinafter, “Del Fabro”).

Del Fabro is cited only with respect to features of dependent claims 4 – 5 and 7 – 8 and does not compensate for the shortcomings of the combination of Miglioranza, Berz, and Sartorio. The rejection should, therefore, be withdrawn for the same reasons discussed with respect to rejection I.

Fee Authorization

The Director is hereby authorized to charge any deficiency in fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account 14-1437. Please credit any excess fees to such account.

Conclusion

The present application is in condition for allowance, and applicants respectfully request favorable action. To facilitate the resolution of any questions, the Examiner is welcome to contact the undersigned by phone.

NOVAK DRUCE + QUIGG, LLP
1300 Eye St. N.W.
Suite 1000 West
Washington, D.C. 20005

Phone: (202) 659-0100
Fax: (202) 659-0105

Respectfully submitted,
NOVAK DRUCE + QUIGG, LLP

By: /anthony p venturino/

Anthony P. Venturino
Registration No. 31,674

Date: Thursday, January 07, 2010

Attorney Docket No. 8455.016.US0000
APV/MPB